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REVIEW OF ACTION TAKEN UNDER THE ENFORCEMENT PROVISIONS OF THE FEDERAL WATER POLLUTION CONTROL ACT

PUBLIC HEALTH SERVICE
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REVIEW OF ACTION TAKEN UNDER THE ENFORCEMENT PROVISIONS OF THE FEDERAL WATER POLLUTION CONTROL ACT*

PUBLIC HEALTH SERVICE
Division of Water Supply & Pollution Control
Enforcement Branch

*Includes the one hearing held under P. L. 845, the Water Pollution Control Act of 1948.

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15. Supplementary Notes

16. Abstracts

Action taken under the enforcement provisions of the Federal Water Pollution Control Act is reviewed for the following areas: Animas River (Colorado-New Mexico), Bear River (Idaho, Utah, Wyoming), Big Blue River (Nebraska-Kansas), Colorado River and all tributaries, Lower Columbia River (Washington-Oregon), Corney Drainage System (Arkansas-Louisiana), North Fork of Holston River (Virginia-Tennessee), Mississippi River (St. Louis metropolitan area), Missouri River (Kansas City, Omaha, St. Joseph, and Sioux City metropolitan areas), North Platte River (Nebraska-Wyoming), Potomac River (Washington, D. C. metropolitan area, and Raritan Bay (New Jersey-New York).

17. Key Words and Document Analysis. 17a. Descriptors

17b. Identifiers/Open-Ended Terms

*Federal Water Pollution Control Act of 1948
*Water quality
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Animas River
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Missouri River
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Animas River (Colorado-New Mexico)

A uranium milling industry at Durango, Colorado, operated by the Vanadium Corporation has been discharging radioactive wastes and other toxic substances to the Animas River. The resulting pollution interfered with use of the river's water as a source of the public water supply of Farmington and Aztec, New Mexico; for individual water supplies of ranchers, for irrigation, fishing, swimming and stock watering in New Mexico.

A Conference was held by the Public Health Service on April 29, 1958 at Santa Fe, New Mexico. The Conferees agreed that because of the complex nature of the problem further study of the river would be necessary before the pollution problem could be accurately evaluated. This study, the first of its kind, was undertaken by the Public Health Service in participation with New Mexico and Colorado. Following the completion of the study, a second session of the Conference was held on June 24, 1959.

Following recommendations of the Conferees the Vanadium Corporation's mill at Durango installed waste treatment facilities. According to the U. S. Public Health Service Survey report of January 1960, significant improvement of the quality of the Animas River water below the Vanadium Corporation's uranium ore refinery has been effected, resulting from the new pollution control measures at the mill. The Public Health Service continues to keep the interstate stretches of the River under surveillance.

The Conferees agreed that the municipal and mining wastes discharged to the River in Colorado constitute an intrastate problem, and the State will take action to abate this pollution. The City of Durango, Colorado has completed construction of a sewage treatment plant.

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Bear River (Idaho, Utah, Wyoming)

Municipal and industrial wastes, consisting primarily of beet sugar wastes, are being discharged from sources both in Idaho and Utah, and are finding their way to the Bear River and its interstate tributaries, the Cub River and Worm Creek. The resulting pollution of the river interferes with aquatic life and wildlife; makes the river unsuitable as a potential source of public water supply; interferes with the use of the Cache River Basin as a recreational area; and creates a potential health hazard when the river's water is used for irrigation and stock watering.

The First Session of the Conference was held at Logan, Utah, by the Public Health Service on October 8, 1958 following which the Utah Water Pollution Control Board and the Public Health Service conducted a study of the River in anticipation of classification of the River by Utah.

At the Second Session of July 19, 1960 at Logan, the Conferees decided there was no interstate pollution caused by Evanston, Wyoming and nearby industries. The Wyoming State Department of Health advised the Conferees that it would promptly institute a program of appropriate remedial action to insure control of the intrastate pollution by October 1, 1961.

The Idaho Department of Health and the Utah Water Pollution Control Board decided to submit a proposed time schedule for remedial measures, but action was held up pending agreement on the schedule. As a result, of an informal meeting attended by representatives of the Idaho Department of Health, the Utah Water Pollution Control Board, and the U. S. Public Health Service, an interim time schedule for pollution abatement with a final construction date of January 1, 1963 for treatment facilities has been established.

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Big Blue River (Nebraska-Kansas)

At the Conference held by the Public Health Service on May 3, 1957 in Beatrice, Nebraska, it was found that municipal and industrial wastes were being discharged from Nebraska municipalities, primarily at Beatrice, into the Big Blue River so as to constitute interstate pollution.

It was agreed that the offending communities and the one industry at Beatrice in Nebraska, should undertake the construction of remedial facilities. Beatrice has completed construction of a new sewage treatment plant which will accommodate the City's industrial and municipal wastes. To date most of the municipalities and industries in the Big Blue River watershed either have some type of waste treatment facility in operation or have such under construction.

Colorado River and All Tributaries
(Colorado-Utah-Arizona-Nevada-California-New Mexico-Wyoming)

In accordance with written requests from the water pollution control agencies of New Mexico, Arizona, Colorado, and California, in which the agencies of Nevada and Utah concurred, the Public Health Service held the first session of a conference on January 13, 1960 in Phoenix, Arizona, and the second session on May 11, 1961 in Las Vegas, Nevada. The conferees, representing the Public Health Service and the seven States in the Basin, unanimously agreed that an investigation and study should be made to define the interstate pollution problems that may exist in the Colorado River and its tributaries. The study, designated as the Colorado River Basin Water Quality Control Project, is being conducted by the Public Health Service in cooperation with all the States in the basin and will cover radioactive, municipal, industrial, and agricutlural sources of pollution among others. In addition to determining specific pollutants and their concentration, and studying the existing waste treatment facilities and their effectiveness, the study is to include methods of securing the best possible water quality for multiple water uses. Its initial stages are being directed to determining the most critical and pressing problems in order that priorities may be established for development data and securing needed remedial action. The study and investigation will require about six years for completion.

At the second session, the Conferees agreed that general reduction in radioactive pollution of waters to protect municipal and other users and reduction in radioactive contimaination of waters in the upper basin used for irrigation should receive the greatest attention during the coming year. Studies to date on the radiological aspects have revealed a considerable reduction in environmental radiological contamination from uranium milling

wastes although the radium content of dry washes receiving effluent from uranium mills at Maybell, Colorado, Mexican Hat, Utah and South Creek were found to be sharply higher than general environmental levels. Also, crops in certain defined areas in the upper basin have been found to contain radioactive contamination above acceptable levels. Plans are reaching completion for the installation, maintenance, and operation of a radioactivity monitoring network of river waters over the entire basin and field work in connection with the establishment of sampling stations will begin in the near future. The Conferees have also agreed to develop criteria for the construction, maintenance, operation and surveillance of control facilities to prevent accidental spills of wastes from uranium mills into the waters.

Work is progressing on a comprehensive plan for long-range water quality management which will include a study on the present and potential economic development of the basin and its dependence on water supply.

Lower Columbia River (Washington-Oregon)

I. General

Wastes discharged to the Columbia River by a variety of industries, predominantly pulp and paper mills, together with inadequately treated municipal sewage from Vancouver, Washington; Portland, Oregon, and a number of other smaller communities in both States, are creating problems of bacterial contamination and the growth of slimes. The resulting pollution may be a potential health hazard and created conditions deleterious to commercial and sport fishing.

In September of 1958, a Conference was called on the pollution of the interstate waters of the Lower Columbia River, at the request of the States of Oregon and Washington. At the conclusion of this Conference, ten recommendations were made including the preparation of an Action Program to control the pollution sources noted in the Conference proceedings.

In September of 1959, a second Conference was called at which time an Action Program was adopted by the States of Oregon, Washington, and the U. S. Public Health Service. To administer this program, a Technical Coordinating Committee was set up with members each from the Washington Pollution Control Commission, Oregon State Sanitary Authority, and the U. S. Public Health Service. This Committee meets quarterly and submits quarterly progress reports to the conferees.

II. Particular

City of Portland: In a report submitted by the U. S. Public Health Service at the First Conference, it was reported that the City of Portland contributed 97% of the bacterial pollution in the Lower Columbia River.

After having exhausted administrative remedies to secure abatement of pollution of the Willamette and Columbia Rivers at Portland, the Oregon State Sanitary Authority, on March 2, 1959, instituted a suit against the City. The Defendant filed a demurrer, but further legal action was deferred pending the outcome of a referendum to be presented to Portland voters. The plan in the referendum was defeated. Subsequently the demurrer came on for hearing, and the Court set dates for the City to file a brief and for the State to reply. The "Pay-As-You-Go-Plan", previously defeated, was resubmitted to Portland voters, and passed, on November 8, 1960.

On January 11, 1961 the Portland City Council adopted a Resolution providing a program of additions and betterments to sewage facilities.

A survey of the entire program is being undertaken with the States and industries, and a progress report is expected soon.

As a further outgrowth of the Conference, the U. S. Public Health Service is undertaking the preparation of a comprehensive water supply and water quality management plan for the Columbia River Basin and adjacent coastal areas as a portion of the overall water resource development program of the Pacific Northwest.

The Columbia River Basin Project, as described in the Introductory Report of March, 1961, deals with water supply requirements for domestic, municipal and industrial purposes, and with the management of the quality of the region's water resources as this affects: public health; municipal growth and industrial development; fish, shell-fish, and wildlife resources; agricultural and water supplies; and recreation.

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Corney Drainage System
(Arkansas - Louisiana)

Operators of 75 oil well leases in the Corney Drainage System were cited by the Public Health Service as discharging oil well brines to the waters of the Croney Drainage System so as to interfere with their use for stock-watering, irrigation and other agricultural uses, sport and commercial fishing, recreation, municipal use, most industrial uses, and use by a valuable species of wild animals inhabiting the area.

Voluntary corrective action was obtained at 57 of the leases. Pollution from the remaining 18 leases was the subject of a public hearing held under authority of the Water Pollution Control Act of 1948 by the Public Health Service at Homer, Louisiana on January 16 and 17, 1957. On the basis of the findings, conclusions, and recommendations made by the Hearing Board, the Secretary of Health, Education, and Welfare sent notifications to the operators of these 18 oil well leases directing them to cease and desist from contributing to the pollution of interstate waters of the Corney Drainage System.

Inspection by Public Health Service personnel reveals that all operators of the 18 leases have ceased their polluting discharges. The Public Health Service has sponsored further pollution abatement studies of the basin, contributes to the cost of two U.S. Geological Survey gaging stations, and cooperates with the Arkansas Water Pollution Control Commission in keeping the area under constant surveillance.

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North Fork of Holston River (Virginia - Tennessee)

The First Session of the Conference was held on September 28, 1960 in Kingsport, Tennessee. The Conferees agreed that pollution of interstate waters subject to abatement under the Federal Water Pollution Control Act is occurring in the North Fork of the Holston River, and that discharges of industrial wastes from the Olin-Mathieson Chemical Corporation at Saltville, Virginia is a major source of such pollution. The effects of this pollution are deterioration of water quality of the North Fork so as to interfere with its use for: public water supplies, industrial water supplies, agriculture, and recreation.

The following recommendations were made:

1. Calling of a Second Session by the chairman not less than one year from conclusion of first session.
2. Olin-Mathieson and water pollution control authorities of Tennessee and Virginia to establish a mutually acceptable program for abatement.
3. At Second Session, Olin-Mathieson to present its program for meeting water quality requirements of Tennessee and Virginia.

The problem of disposal of soda-alkali waste was referred to the National Technical Task Committee on Industrial Waste to stimulate and coordinate research on a nation-wide basis. The Committee met on December 15-16, 1960 and April 24, 1961 and produced a draft report which has been submitted to the Conferees for consideration.

An informal meeting is tentatively scheduled for October 18, 1961.

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Mississippi River -- St. Louis, Missouri Metropolitan Area
(Illinois - Missouri)

Municipal and industrial wastes discharged to the Mississippi River from the St. Louis, Missouri Metropolitan Area, which includes communities in Missouri and Illinois, have caused deterioration of the quality of the river's water so as to interfere with its use as a source of public water supply, for recreation, scenic values, pleasure boating, sport fishing, navigation, and commercial fishing in both Missouri and Illinois.

The Public Health Service held a conference on March 4, 1958, at St. Louis, Missouri. The conferees agreed on a time schedule for remedial action to control pollution from cities, political subdivisions, institutions, and industries on both the Missouri and Illinois sides of the Mississippi River.

St. Louis is taking action to cease its dumping of garbage into the Mississippi River and expects to be incinerating all such wastes by October 1, 1961. Hartford and Roxana, Ill. treatment plants have been completed and are in operation.

Bond issues to finance sewage improvements on the Coldwater Creek and Gravois Creek watersheds have been passed and construction of the facilities, which has been delayed by action taken to test the legality of the bond issue, is expected to start by January 1, 1962.

Some of the cities in the area have not, as yet, taken action to finance the necessary sewage treatment facilities,but it is expected that all facilities will be completed and in operation by January 1, 1967.

Representatives of the Metropolitan Sewer District have been meeting with representatives of the industries. The industries have been most cooperative with many engaging engineers to reduce volume and strength of wastes.

A progress meeting is scheduled for September 25, 1961.

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Missouri River -- Kansas Cities Metropolitan Area
(Kansas - Missouri)

The three major communities which make up the Kansas Cities Metropolitan Area -- Kansas City, Kansas; Kansas City, Missouri; North Kansas City, Missouri; and local industrial establishments--discharge municipal and industrial wastes to the Missouri River without treatment or adequate treatment thereby degrading the quality of the river's water so as to interfere with its use as a source of public water supply in a number of communities in Missouri as far downstream as St. Louis County, Missouri. These wastes also created a health hazard to commercial and recreational users of the river; prevented its full use as a commercial fishery or for sport fishing; interfered with navigation and the actual and potential uses of the river for many industrial purposes; created severe sight and odor nuisances which have prevented the use of various river-front sites as recreational areas and parks; and with the use of the river as a wild-fowl habitat.

On December 3, 1957, the Public Health Service held a conference at Kansas City, Missouri. The conferees agreed that the offending communities should provide adequate treatment for their wastes, and established a time schedule for the construction of remedial facilities.

While some progress towards abatement was made, it was not in substantial compliance with the time schedule. Accordingly, the Secretary of Health, Education, and Welfare called, and a public hearing was held at Kansas City, Missouri, June 13 to 17, 1960, citing Kansas City, Kansas, Kansas City,

Missouri, the Kaw Valley Drainage District of Kansas, the Fairfax Drainage District of Kansas and eleven industries in the area. North Kansas City, Missouri submitted to the jurisdiction of the Hearing Board and became by its own act, a party to the hearing.

The Secretary issued a cease and desist notice to the cities and industries on June 30, 1960.

The Hearing Board found among other things that the Turkey Creek Sewer, the Kansas River, as well as the Missouri River, were all interstate waters within the meaning of the act. A time schedule was established requiring the remedial work to be in operation within a reasonable time after January 1, 1963.

Kansas City, Kansas and Kansas City, Missouri held successful bond elections on November 8, 1960 and North Kansas City, Missouri on October 11, 1960. An additional eleven million dollars will be necessary to finance additional facilities in Kansas City, Kansas.

Kansas City, Missouri has commenced construction of treatment facilities, but there has been little, if any, action by the other major cities or by the Fairfax or Kaw Valley Drainage Districts of Kansas.

Seven of the eleven industries in the area have indicated that they desire to be served by the municipality. One of the industries has completed construction of its own facilities and the remaining firms have not yet reached a decision as to whether they wish to be served by the municipal facilities or construct their own.

Missouri River - Omaha, Nebraska (Nebraska-Iowa-Kansas-Missouri)

Municipal and industrial wastes from a number of communities in the Omaha, Nebraska area, primarily from the cities of Omaha, Nebraska, and Council Bluffs, Iowa, were polluting the Missouri River so as to interfere with its use as a source of public water supply by St. Joseph, Missouri; for industrial water supply; recreational uses; stock-watering; commercial fishing; and, as a fish and wildlife habitat in the States of Nebraska, Iowa, Kansas, and Missouri.

On June 14, 1957, the Public Health Service held a conference at Omaha, Nebraska, at which the conferees agreed upon a time schedule calling for remedial action by all the sources of pollution.

Omaha, Nebraska held successful elections on bond issues during November, 1958 and May and November, 1960. Authority to finance the needed facilities will be complete if the fourth referendum for approval of another bond issue to be held in May, 1962 is successful.

This proposed bond issue is for construction of the South Interceptor Sewer. The Papillion Creek treatment plant has been completed and other phases of the project are either under construction or bids for additional facilities have been approved.

Carter Lake, Iowa has been negotiating with Omaha, Nebraska, for a connection to a proposed interceptor sewer. Blair, Nebraska placed its treatment plant in operation during April, 1959, and other communities in the conference area have treatment facilities under construction or are in the process of letting bids.

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Missouri River -- St. Joseph, Missouri (Missouri-Kansas)

The City of St. Joseph, Missouri, together with its 18 associated industries, discharge large quantities of municipal and meat-processing wastes to the Missouri River which degrade the water quality so as to interfere with its use as a source of public water supply, industrial water supply, commercial fishing, livestock watering, and recreational purposes in Kansas.

A conference was held by the Public Health Service on June 11, 1957, in St. Joseph, Missouri. The conferees agreed on a time schedule for the installation of remedial facilities.

A St. Joseph bond issue to finance the construction of remedial facilities was defeated by the electorate on March 4, 1958. St. Joseph had no definite plans to resubmit this bond issue to its voters and Missouri requested a public hearing.

A public hearing called by the Secretary of Health, Education, and Welfare was held on July 27-30, 1959, and on August 12, 1959, he issued a notice directing St. Joseph and 18 associated industries to cease and desist discharging polluting wastes to the Missouri River and to provide remedial works by June 1, 1963. A time schedule was also established for action to be taken.

That schedule called for holding a bond election by the City on or before June 1, 1960 and to instruct its engineer in writing on or before July 1, 1960 to proceed with final plans and specifications. The election was held on May 21, 1960 but the bond issue was defeated. Thereafter the City failed to instruct its engineer to proceed with the plans and specifications.

On August 1, 1960, the Secretary, having found that action reasonably calculated to secure abatement of the pollution within the time specified in his notice had not been taken, and on the request of Kansas and the consent of Missouri, requested the Attorney General to institute court action against the City as provided for in Section 8 (f) of the P. L. 660, 84th Congress. The Department of Justice filed a complaint against the City on September 29, 1960 in the United States District Court for the Western District of Missouri, St. Joseph Division, and an informal conference was held before the Judge of the Court on November 18, 1960. The City subsequently agreed to schedule new bond elections, thereby postponing the necessity of Court action for the present.

The City obtained authority to finance the waste treatment facilities through the passage of bond issues by the voters on April 11 and June 20, 1961. The City has proposed advertising for bids by March 1, 1962 and awarding contracts for construction by June 1, 1962. Secretary Ribicoff has agreed to the proposal and to the Department of Justice suggestion that the City submit progress reports to the Court.

Only one of the 18 industries has requested the City to service it. Five of the industries have joined together for a common treatment facility with the remaining firms delaying action pending determination of the cost of joining the separate treatment facilities. Action had been delayed by the industries due to the death of one of their attorneys and the anticipated action of the Missouri Legislature to pass

a bill which would permit them to form a sewer district. The bill was passed and signed into law by the Governor on July 5, 1961. Plans for the construction of separate facilities by the industrial firms were submitted to the Missouri Water Pollution Control Board on July 20, 1961 and it is expected that a construction permit will be issued in about 30 days from that date.

Missouri River - Sioux City, Iowa Area
(South Dakota - Iowa - Nebraska)

A conference was held by the Public Health Service on July 24 1958, at Sioux City, Iowa, involving the municipalities of Yankton, Vermillion, and Elk Point, South Dakota, Sioux City, Iowa, South Sioux City, Dakota City, Ponca and Blair, Nebraska, and their associated industries which were discharging their wastes into and causing pollution of the Missouri River. The conferees agreed that pollution of the Missouri River, caused principally by municipal and industrial wastes from Sioux City, Iowa, interferes with water uses in Nebraska. They established a time schedule for the remedial action to which Sioux City and its associated industries failed to adhere.

A public hearing called by the Secretary of Health, Education, and Welfare, was held in Sioux City, Iowa, on March 23-27, 1959. The Hearing Board found that Sioux City, Iowa, and 10 meat packing firms are discharging matter causing pollution of the interstate waters of the Missouri River so as to endanger the health and welfare of persons in Nebraska. The Board found that the pollution seriously impairs these waters for such uses as a public water supply for the city of Omaha, Nebraska, creates a hazard for persons using the river for navigation, boating, swimming, commercial and sport fishing, and other purposes; creates sight and odor nuisances, sometimes renders edible species of fish inhabiting such waters inedible, and is impeding the development of Missouri River recreation area. Thereafter, Secretary of Health, Education, and Welfare issued a Notice (on April 7, 1959) directing that Sioux City, Iowa, and the 10

industries to cease and desist causing, such pollution and to comply with a time schedule for joint or several remedial action to be completed by March 1, 1963. All ten industries have requested the City for service. Some difficulty has been encountered by the City in getting the industries to sign a contract to help off-set the capital outlay required for construction of plant facilities to accomodate them.

The treatment plant and most interceptors are under contract or construction. The scheduled sale of 4.7 million dollars in bonds for February, 1962 will complete the financing of the sewage treatment system. Completion of the sewage treatment facilities is scheduled for some time in 1963.

North Platte River -- (Nebraska - Wyoming)

A conference has been scheduled for September 12, 1961 at the request of the Nebraska Water Pollution Control Council. The concern of Nebraska is the health and welfare hazards presented by sugar beet and municipal wastes polluting the waters of the North Platte River.

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Legislation has increased the District's borrowing power, and has enabled the District to proceed with "Plan C," which in the main involves the separation of select storm and sanitary servers now found in combined systems.

Maryland has completed construction of interceptor sewers to divert present waste discharges from Potomac River tributaries to the District of Columbia sewage treatment plant.

Arlington, Virginia has completed construction improvements for primary sewage treatment facilities, and is planning for the installation of complete secondary treatment.

Improvements made to the Alexandria Sewage Treatment Plant have increased its average B.O.D. removal from 79 percent to 87 percent.

Fairfax County has expanded the capacity of existing sewage treatment facilities and has installed secondary treatment at the Little Hunting Creek and Dogue Creek treatment plants. Construction of treatment facilities for Vienna, Southside #2, has been completed.

The Pimmit Run interceptor, linking parts of Fairfax and Arlington Counties to the D.C. sewerage system, and the W.S.S.C.'s Filtration Plant are completed and in operation.

The Federal Government has authorized the District of Columbia to borrow money to finance construction costs of the Potomac interceptor serving the Dulles International Airport and nearby Maryland and Virginia, with the provision that its cost be recovered through user charges. The sewage flowing through the interceptor will enter the District sewerage system and be conveyed to the Blue Plains plant for treatment.

According to a recent Interstate Commission News Letter Anacostia River Force Main and W.S.S.C.'s Rock Creek Interceptor are in the advanced planning stage or under construction.

Raritan Bay -- (New Jersey - New York)

On the basis of surveys, studies and reports, the Surgeon General called a conference on August 22 and 23, 1961, in the matter of the pollution of the interstate waters of Raritan Bay after a large number of cases of infectious hepatitis had been reported which were traceable to the eating of raw clams taken from the Bay. The first session of the Conference will be held at the U. S. Court House, Foley Square, New York, N.Y.